



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**April 28, 2004**

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**SUBJECT:**           **2004-0193 - Richard Jacobs** [Applicant/Owner]:  
Application for a 19,092 square foot site located at **649  
Blythe Court** in an R-3 (Medium Density Residential)  
Zoning District. (APN: 205-01-002) RK

Motion               Use Permit to allow a trash enclosure within the required  
front yard setback.

**REPORT IN BRIEF**

**Existing Site**           Multi-Family Residential - Apartments

**Conditions**

**Surrounding Land Uses**

North               Multi-Family Residential – Condominiums

South               Multi-Family Residential – Apartments

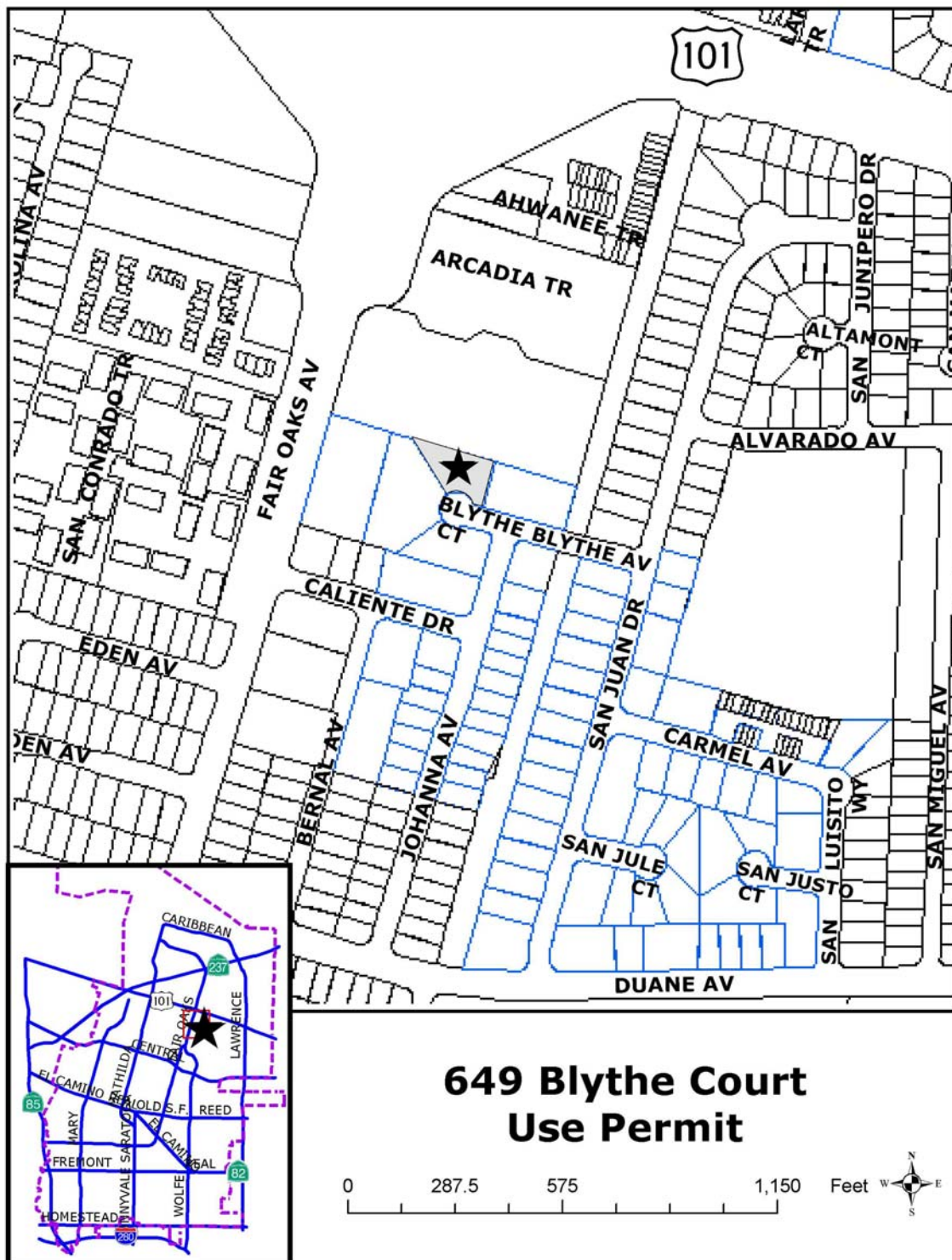
East                Multi-Family Residential - Apartments

West               Multi-Family Residential - Apartments

**Issues**               Aesthetics, Location

**Environmental  
Status**               A Class 11 Categorical Exemption relieves this project  
from California Environmental Quality Act provisions  
and City Guidelines.

**Staff  
Recommendation**   Approve with Conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Residential Medium Density	Same	---
<b>Zoning District</b>	R-3	Same	---
<b>Lot Size (s.f.)</b>	19,092	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	8,792	Same	No max.
<b>Floor Area Ratio (FAR)</b>	46%	Same	No max.
<b>No. of Units</b>	12	Same	By Use Permit/ Variance(1963- 0124)
<b>No. of Stories</b>	2	2	2 max.
<b>Setbacks (facing prop.) to Enclosure</b>			
• <b>Front</b>	N/A	8	By Use Permit
• <b>Left Side</b>	N/A	8	6 min.
• <b>Right Side</b>	N/A	Approx. 90'	9 min.
• <b>Rear</b>	N/A	Approx. 100'	20 min.
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping</b>	Approx. 5,060	Approx. 4,900	5,100 min.
• <b>Landscaping/Unit</b>	Approx. 421	Approx. 408	425 min.
• <b>Frontage Width (ft.)</b>	Approximately 15'-24'	Approximately 8'-24'	15 ft. min.
<b>Parking</b>			
• <b>Total No. of Spaces</b>	19	19	25 min.
• <b>No. of Guest Spaces</b>	8	Same	13 min.
• <b>No. of Accessible</b>	0	Same	1 min.
• <b>No. of Covered Spaces</b>	12	Same	No min.
• <b>Driveway aisle leading to the proposed enclosure (ft.)</b>	26	26	16 min.

## **ANALYSIS**

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### **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2002-0049	Tree Removal for one pine tree	Staff/Approved	2/3/02
1963-0124	Variance for Lot Area per Unit - Apartments	City Council/Approved	5/13/63

### **Description of Proposed Project**

The proposed project is for a Use Permit to allow a trash enclosure within the required front yard. In an effort to improve the efficiency of trash collection and limit the inconvenience of the collection truck within the interior of the site, the applicant proposes a front yard location. An enclosure was originally located toward the rear of the site. The Neighborhood Preservation Division notified the applicant of the requirement to attain the proper permits. The enclosure has already been constructed without the necessary permits.

### **Environmental Review**

A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 11 Categorical Exemptions include accessory structures.

### **Use Permit**

**Use:** The proposed use is for the relocation of a trash enclosure within the front yard of an existing apartment complex. Sunnyvale Municipal Code Section 19.38.030 states “recycling and solid waste enclosures shall not be located in any parking, landscape, or setback areas unless otherwise approved by use permit.” Previously, an enclosure was located near the back of the site closer to the main structure.

**Site Layout:** The project site is a cul-de-sac lot located on Blythe Court. There are twelve apartment units located towards the northeast portion of the site. A carport, including 12 parking spaces, stretches along the western boundary of the site. The proposed enclosure (already constructed) is located in front of the carport facing the street. See Site Plan in Attachment #3. The trash removal company informed the owner that access to the enclosure was difficult and damage to the pavement surface may be limited with the new location. The

applicant has indicated that the current location is more beneficial with respect to improved access for pick up and disruptiveness to the residents of the apartment building. The Solid Waste Division has noted that the new location is preferable, as the enclosure improves access and circulation for pick-up service to the containers.

**Architecture:** There are no proposed architectural changes to the existing apartment building with this proposal. A chain link fence with green vinyl slats has already been constructed. (See "Site Photos" in Attachment 4.) Staff is recommending replacement of the chain link fence with a new enclosure, utilizing either wood painted to match the buildings on site or alternative masonry material (Condition of Approval #3). This will ensure a more aesthetically compatible design to the main apartment building and carport, as well as neighboring properties.

The following Guidelines were considered in the analysis of the project architecture.

<b>Design Policy or Guideline (Architecture)</b>	<b>Comments</b>
<i>City Wide Design Guidelines</i>  <i>E9. The style, material, and color of enclosures shall be similar to those of the main structure</i>	The existing enclosure does not match the style of the main building or carport. Per Condition of Approval #3, the enclosure shall be redesigned with masonry or wood and painted to match the existing buildings on-site.

**Landscaping:** The proposal does not include any additional landscaping for the site. However, the relocation of the enclosure displaces an area that was previously landscaped with rocks. By definition, this area is considered part of the required landscaping for the site. Condition of Approval #4 requires that a revised site plan reflecting lost area from the relocated enclosure be submitted with building permit plans. Staff is also recommending additional vegetation to be planted in front of the enclosure to enhance the look of the area from the street. (Condition of Approval #5)

The following Guidelines were considered in analysis of the project landscaping.

<b>Design Policy or Guideline (Landscape)</b>	<b>Comments</b>
<i>City Wide Design Guidelines</i>  <i>A4. Properly landscape all areas not covered by structures driveways and parking.</i>	Condition of Approval #5 requires that additional landscaping such as shrubs or plants shall be installed along the side of the enclosure facing the street.

**Parking/Circulation:** Based on the number and style of the units, 25 parking spaces (13 guest + 12 covered) are required under current parking standards. With the previous location of the enclosure, the site provided 19 spaces. With the re-location of the enclosure, the site may be able to provided 20 spaces. One additional space may be gained with the new location if the previous area meets dimensional requirements. The site was developed during the early 1960s, utilizing different parking requirements. Staff does not find additional opportunity to increase parking on the site without losing needed landscaping for the site. The site does not currently maintain any accessible parking. Per Condition of Approval #6, a handicap space shall be noted on a revised site plan, submitted prior to building permit approval.

The following Guidelines were considered in analysis of the project parking and circulation.

<b>Design Policy or Guideline (Parking/Circulation)</b>	<b>Comments</b>
<i>City Wide Design Guidelines</i>  <i>E2. Trash enclosures shall be conveniently accessible by collection trucks. Access driveways shall be a minimum 16 ft. in width.</i>	The new location at the front of the site enables the trash pick-up vehicle to not significantly disrupt the circulation of the site. A twenty-six driveway access area leading up to enclosure meets current standards.

### **Compliance with Development Standards**

The site does not meet current parking standards with 19 spaces provided where 25 are needed. The relocation of the enclosure may allow one additional spaces (20) for the site. However, an additional handicap space is needed (Condition of Approval #6). Current landscaping appears to be deficient on site. As conditioned, a plan showing new landscaping needs to be submitted. Upon review and approval of the building permit, the site may not meet current landscaping standards. All other standard development requirements for the R-3 Zoning District are met.

**Expected Impact on the Surroundings**

The relocated trash enclosure in the front yard presents a new visual impact to the surrounding neighborhood. Two existing trees partially obscure the view of the enclosure. As noted in the report above, additional landscaping and redesign of the enclosure should improve the visual impact of the affected area. Staff notes that two properties in the immediate area (665 Blythe Court and 674 Blythe Court) also have enclosures within the front yard. Each enclosure is constructed of painted wood and is compatible with the main structures on the site.

**Findings, General Plan Goals and Conditions of Approval**

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

**Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

## **Alternatives**

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1. Approve the Use Permit with the attached conditions.
2. Approve the Use Permit with modifications to the conditions.
3. Deny the Use Permit.

## **Recommendation**

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Alternative 1.

Prepared by:

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Ryan Kuchenig  
Project Planner

Reviewed by:

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Diana O'Dell  
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site Plan
4. Site Photos
5. Photos of surrounding sites
6. Use Permit Justifications from the Applicant



**Recommended Findings - Use Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

**Solid Waste Sub-Element**

*Goal 3.2A. Ensure that all municipal solid waste generated within the City is collected and transported in a manner that protects public health and safety.*

The proposed location of the trash enclosure will enable a more efficient and less disruptive trash pick-up service to the site and surrounding neighborhood. Previously, the trash enclosure located at the rear of the site would cause an extended visit to the site, and an increased disruption of traffic circulation within the site. The applicant has indicated that the continual visits to the site damaged the paving surface near the enclosure.

**Housing and Community Revitalization Sub-Element**

*Policy B.1 Continue to encourage and assist property owners to maintain existing developments in a manner that is aesthetically pleasing, free from nuisances and safe of hazards.*

The applicant proposes to improve the site by locating the enclosure in an area that is more beneficial to the site and surrounding neighborhood. The relocation of the trash container is compatible with nearby development, as other sites have incorporated enclosures located towards the front of the site. As conditioned, the enclosure area can be more compatible to the development on site and aesthetically pleasing to the neighborhood. Surrounding sites have utilized wood enclosures painted to match the buildings on the site.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the new location enables improved access to the designated waste area for the existing apartment complex. As conditioned, the improved enclosure will not have a negative aesthetic impact to the site or surrounding residential neighborhood.

**Recommended Conditions of Approval - Use Permit**

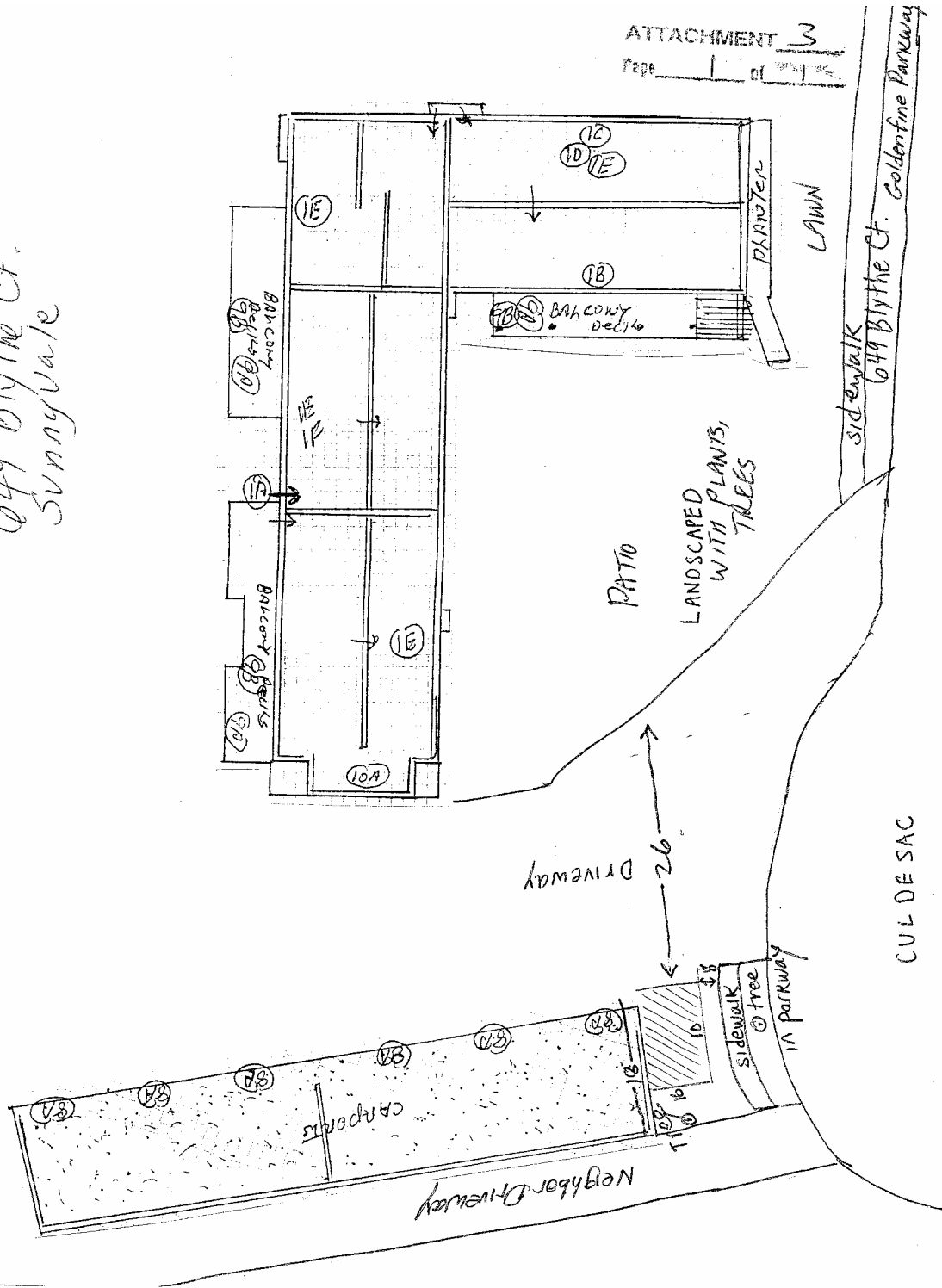
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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

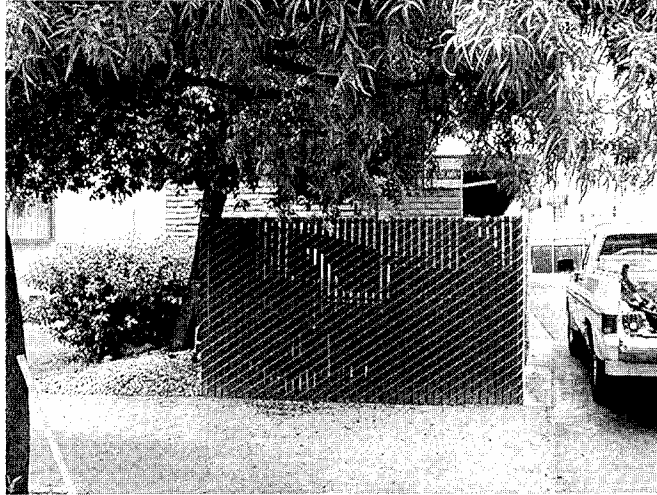
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. The two-year expiration date of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. The applicant shall obtain a building permit.
3. The applicant shall submit a new design for the trash enclosure at the current location that incorporates either wood or masonry painted to match the building.
4. Submit a revised site plan, included with plans required for a building permit, reflecting landscaped area that was lost due to the relocation of the enclosure.
5. Plants or shrubs shall be installed in front of the enclosure facing the streets.
6. The site shall maintain one handicap accessible parking space at all times. This parking space shall be noted on the site plan submitted for a building permit.

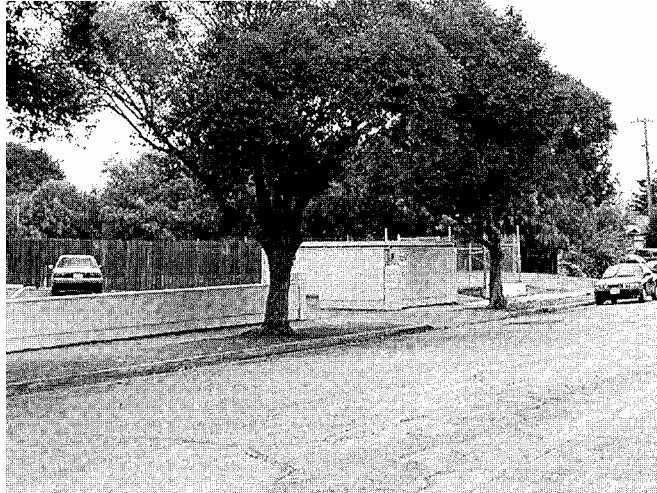
649 Blythe Ct.  
Sunnyvale



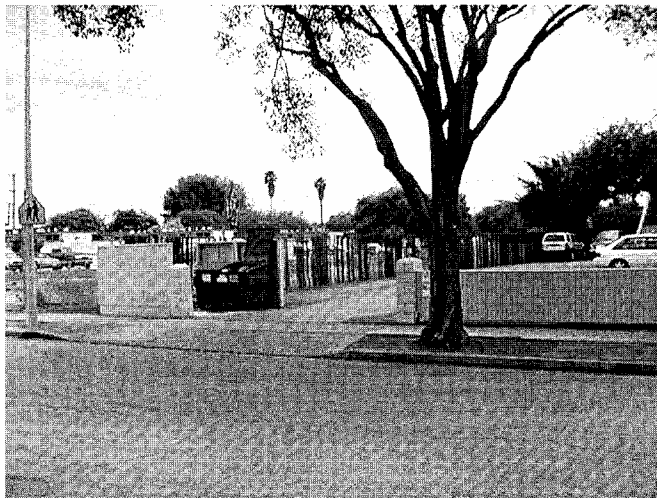
649 Blythe Court – Site Photos



665 Blythe Court



674 Blythe Court



## ⇒ USE PERMIT JUSTIFICATIONS

The Municipal Code states that at least one of the following two justifications must be met before granting the Use Permit. Illustrating how your project meets at least one of the below criteria will assist the City in reviewing your proposal. Use this sheet or a separate sheet of paper to show how the proposed use:

- 1) attains the objectives and purposes of the General Plan of the City of Sunnyvale,

First, The garbage Co. truck had damaged the asphalt driveway at the rear pickup site - repair cost = \$2,600. The driver suggested a front pickup area & also stated he did not like the pushout service because dumpsters are heavy & it was a long 175 feet to property rear. I drove the neighborhood to see what would be compatible and spent \$3,500. building new garbage area.

- 2) is desirable and not materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the zoning district.

I chose a new garbage area location to make it easier for the garbage Co. and designed cement pad and chose a dark fence to be compatible with our carport and trim color on our buildings - all dark. The new garbage area is convenient, dark and hardly noticeable under the shade of two evergreen trees.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.